

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HOLGER DZIALLAS, *et al.*

Serial No.: 10/559,152

Filed: April 26, 2006

For: MEMBRANE-ELECTRODE UNIT FOR DIRECT
METHANOL FUEL CELLS AND METHOD FOR THE
PRODUCTION THEREOF

Confirmation No. 9050

Art Unit: 1727

Examiner: Edu E. Enin-Okut

Atty. Dckt: 034166.006US

**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY
DELAYED CLAIM OF BENEFIT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Petition

Dear Sir:

This petition is being filed pursuant to 37 C.F.R. §1.78(a)(3) to request acceptance of an unintentionally delayed claim of benefit.

In particular, Applicants claim benefit to the filing date of prior-filed, copending non-provisional application US 10/308,491, filed December 3, 2002, which issued as US Patent 7,141,270 on November 28, 2006, and of which the present application is a continuation-in-part.

Applicants note that the specification of the present application was amended April 28, 2009 to include a reference to the prior-filed application as required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2).

Applicants submitted a request to accept the unintentionally delayed claim of benefit in an Amendment filed February 2, 2010. The present Petition is being filed in response to the Examiner's refusal to accept the request as set forth in the Office Action of February 1, 2011. As a response to the Office Action comes due on May 1, 2011, an expedited processing of this Petition is respectfully requested.

Applicants again submit that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2) and the filing of this petition for acceptance of the claim was unintentional.

Applicants further note that the requisite surcharge of \$1,410.00, as required under 37 C.F.R. §1.17(t) was previously submitted with the Amendment filed February 2, 2010. Accordingly, Applicants request that the previous payment of the applicable surcharge be credited to this petition.

It is not believed that any additional fees, beyond those otherwise provided for, are due with this petition. However, in the event that additional fees are necessary then payment of such fees is hereby petitioned under 37 C.F.R. §1.136(a), and authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **034166.006US**.

Respectfully submitted,



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Date: March 30, 2011
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